



EQUAL EMPLOYMENT OPPORTUNITY GENERAL SECTION 11

11.1 Declaration of Policy. It is the intent of the Missouri Department of Transportation to comply with the requirements of Title VI of the Civil Rights Act of 1964, and the Executive Order of the Governor of the State of Missouri, dated August 31, 1987, regarding Equal Opportunity Practices.

Discriminatory practices, in any form, will not be tolerated on the part of any employee; or on the part of any person, firm or corporation under contract with the Missouri Department of Transportation; or on the part of any other party in carrying out any phase of the Missouri Department of Transportation's inspection, testing, or research programs.

11.2 Employment Practices. The Division of Materials employment practices do not discriminate on the basis of race, color, religion, creed, national origin, ancestry, or sex as prohibited by Chapter 296 and Sec 558.155, RS Mo. and Title VII of the Civil Rights Act of 1964, as amended. The Missouri Department of Transportation Policy and Procedure No. 0505 entitled, "Fair Employment Practices" is fully adhered to concerning the employment and promotion of Materials personnel.

The Division of Materials entails positive and aggressive measures to insure equal opportunity in the areas of hiring, promotion, demotion, transfer, recruitment, layoff or termination, and rate of compensation. The Division of Materials offers opportunity for personal growth and development, as well as advancement for those illustrating capability, regardless of sex, race, creed, or ancestry.

11.3 Inspection and Testing. The Division of Materials, when contracting for inspection, testing, equipment rental, or similar services outside the Missouri Department of Transportation involving only State monies, includes a clause which states: "The inspection, testing and/or rental of this material or equipment involves state funds which requires the inspection, testing and/or rental agency to comply with the Executive Order of the Governor of the State of Missouri, dated August 31, 1987. This order stipulates that there shall be no discriminatory employment practices based on race, color, religion, creed, national origin, sex, or age. The agency shall give written notice of their commitments under this clause to any labor union with which they have bargaining or other agreements".

When Federal money is involved, the preceding statement and the following statement is included:

"During the performance of this contract, the agency, for itself, its assignees and successors in interest (hereinafter referred to as the agency) agrees as follows:

(a) **Compliance with Regulations.** The agency shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(b) **Nondiscrimination.** The agency, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The agency shall not participate either directly or indirectly in the discrimination prohibited by Sec 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.



(c) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment.** In all solicitations either by competitive bidding or negotiation made by the agency for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the agency of the agency's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

(d) **Information and Reports.** The agency shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Missouri Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of an agency is in the exclusive possession of another who fails or refuses to furnish this information, the agency shall so certify to the Missouri Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

(e) **Sanctions for Noncompliance.** In the event of the agency's noncompliance with the nondiscrimination provisions of this contract, the Missouri Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

(1) Withholding of payments to the contractor under the contract until the contractor complies, and/or

(2) Cancellation, termination or suspension of the contract, in whole or in part.

(f) **Incorporation of Provisions.** The agency shall include the provision of this paragraph 3 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The agency shall take such action with respect to any subcontractor or procurement as the Missouri Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event an agency becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the agency may request the Missouri Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the agency may request the United States to enter into such litigation to protect the interests of the United States."

11.4 Record Retention. The Materials Division and its area of operation in the Districts shall retain information in its files regarding reviews conducted, complaints received and investigated, records of contracts made with minority material suppliers, and contacts made with beneficiaries regarding prohibited discrimination practices under Title VI and minorities and women employed or promoted, etc.

